

REMARKS

Claims 1-21 were previously pending in the application. By the Amendment, Claim 1 is currently amended, Claims 5-7 and 11-20 are canceled without prejudice, new Claims 22-25 have been added, and original Claims 2-4 and 8-10 remain unchanged.

The claims stand rejected under the cited prior art of record. Specifically, Claims 1-21 are rejected under 35 USC §103(a) as being unpatentable over Maurin (EP 0362 058 B1) in view of Harrison (US 5,417,152).

Independent Claim 1 recites a juicer, comprising: an electromotor having at least two driving speeds; a first switch connected to said electromotor, said first switch has an off state and an on state; a second switch connected to said electromotor, said second switch can be actuated only if said first switch is in said on state; a centrally disposed element projecting upward in a taper for pressing a piece of fruit; and said electromotor being operatively connected to said element and rotationally driving said element: at a first speed upon actuation of said first switch; and at a second speed greater than said first speed upon actuation of said second switch. Claim 1 has been amended to include the elements from original Claim 5, including the second switch only being actuatable when the first switch is in the on state.

Maurin discloses a general fruit press juicer comprising a rotating dome (1) having ribs (7, 8). The piece of fruit is pressed against the rotating dome (1) to squeeze the fruit juice out of the fruit. As acknowledged by the Examiner, Maurin does not teach or suggest, among other things, a motor having two driving speeds with a first switch and a second switch.

Harrison does not cure the deficiencies of Maurin. Harrison discloses a juicer having a centrifugal type blade basket for extracting juices from fruits and vegetables. The motor has a motor speed control capable of operating the motor at a low speed and a high speed. The motor control (290) has a low speed on switch (S292) and a high speed on switch (S294).

Harrison does not teach or suggest, among other things, that said second switch can be actuated only if said first switch is in said on state, as recited in Claim 1. Rather, Harrison has two separate switches, one switch for turning the juicer on at the respective speed. If the low speed switch (S292) is turned on, the juicer will operate at the low

speed. If the high speed switch (S294) is turned on, the juicer will operate at the high speed. The switches (S292, S294) are not actuated at the same time. At column 8, lines 19-25, Harrison recites the following: “The operator-initiated closing of pushbutton type, biased open switch S292 will result in juice extractor motor 24 running at the lower speed whereas the alternate closing of the like character switch S294 will result in that motor running at the higher speed.” Harrison specifically teaches that the switches are closed *alternately* and operate separately. The high speed switch S294 may be closed to operate the motor at the high speed while the low speed switch S292 is open or off. Therefore, Harrison does not teach or suggest that said second switch can be actuated only if said first switch is in said on state. To the contrary, Harrison teaches away from the claimed invention by disclosing that the switches are operated separately and independently.

For these and other reasons, Maurin and Harrison, either alone or in combination, do not teach or suggest the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-4 and 8-10 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Independent Claim 21 recites a juicer, comprising: an electromotor having at least two driving speeds; a first means for switching said electromotor to a first rotational speed; a second means for switching said electromotor to a second rotational speed greater than said first rotational speed; a centrally disposed element projecting upward in a taper for pressing a piece of fruit; and said electromotor being operatively connected to said element and rotationally driving said element: at said first rotational speed upon actuation of said first switching means; and at said second rotational speed upon actuation of said second switching means.

Independent Claim 21 includes limitations written in “means plus function format” (i.e., a first means for switching said electromotor to a first rotational speed and a second means for switching said electromotor to a second rotational speed greater than said first rotational speed). Under 35 U.S.C. § 112, ¶ 6, limitations written in “means plus function” form are interpreted to cover the structure disclosed in the specification and the equivalents thereof. In order to meet a “means-plus-function” limitation, the prior art must (1) perform the identical function recited in the means limitation and (2) perform that function using the structure disclosed in the specification or an equivalent structure.

Accordingly, in ascertaining that a “means plus function” limitation is met by the prior art, an examiner must (1) determine that the prior art performs the identical function recited in the means limitation; (2) identify the structure described in the patent specification that corresponds to the claimed function; (3) identify the structure in the prior art that performs the claimed function; (4) determine if the structure in the prior art that performs the claimed function is the same as any structure described in the patent specification that corresponds to the claimed function; and if not (5) determine if the structure in the prior art that performs the claimed function is equivalent to any structure described in the patent specification that corresponds to the claimed function.

MPEP §2183 states that if the examiner finds that a prior art element (A) performs the function specified in the claim, (B) is not excluded by any explicit definition provided in the specification for an equivalent, and (C) is an equivalent of the means-plus-function limitation, the examiner should provide an explanation and rationale in the Office action as to why the prior art element is an equivalent.

Maurin and Harrison, either alone or in combination, do not disclose a first means for switching said electromotor to a first rotational speed, and a second means for switching said electromotor to a second rotational speed greater than said first rotational speed. The specification of the present application provides a description that the first means for switching is actuated by applying pressure on the element 7 (see page 4 of the present application). Maurin does not disclose, among other things, structure equivalent to the switch being operatively connected to the rotating dome. Therefore, Maurin does not disclose all the claim limitation recited in Claim 21.

For these and other reasons, Maurin does not anticipate Claim 21, and withdrawal of the corresponding rejection is respectfully requested.

New Claims 22-33 have been added.

New independent Claim 22 recites a juicer, comprising: an electromotor having at least two driving speeds; a first switch having an on state and an off state and being connected to said electromotor and switching said electromotor to a first driving speed when the first switch is in the on state; a second switch having an on state and an off state and being connected to said electromotor and switching said electromotor to a second driving speed greater than said first driving speed when the second switch is in the on

state; a centrally disposed element projecting upward in a taper for pressing a piece of fruit, the element being operatively connected to the first switch and the first switch being actuated and switched to the on state when a piece of fruit is pressed on the element, the element and the first switch being biased toward the off state; and said electromotor being operatively connected to said element and rotationally driving said element: at a first speed upon actuation of said first switch; and at a second speed greater than said first speed upon actuation of said second switch.

The prior art does not disclose a heater as recited in Claim 22. More specifically, the prior art does not disclose a centrally disposed element projecting upward in a taper for pressing a piece of fruit, the element being operatively connected to the first switch and the first switch being actuated and switched to the on state when a piece of fruit is pressed on the element, the element and the first switch being biased toward the off state.

Therefore, Applicants respectfully request allowance of independent Claim 22. Claims 23-25 depend from Claim 22 and should be allowed for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 1-4, 8-10 and 21-25 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. Please note that Applicants have changed representation and are now represented by new counsel. The formal Revocation of Power of Attorney / New Power of Attorney and Change of Correspondence Address documents will be forthcoming.

Craig J. Loest

Name of Attorney Signing under 37 CFR 1.34

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

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